SUMMARY OF COMMENTS

TECHNICAL RULES

480-120-046, 051, 076, 091, 096, 126, 131, 151, 152, 153, 340, 350, 500, 505, 510, 515, 520, 525, 530, 535, X05, X05.5, X06, X08, X16, X17 UT-990146

Chapter 480-120 - Telephone Companies

April 13, 2000

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-046 Service offered. | | | |
| Section (2) Types of service. Local exchange companies must offer, at a minimum flat- rate service. They may offer service alternatives, such as measured service. | Sprint | Insert "Local" after "flat-rate." Add "basic local exchange" to (2). | Staff agrees - "local" will be added. |
| (3) Grade of service. Local exchange companies must offer only one-party service. | U S WEST | Companies should not be limited to "only" one-party service offerings. There are customers who still desire multi-party service. | Staff will discuss at the 4/18 stakeholder workshop. |

| WAC/Issue | Interested Person | Comment | Staff Response |
|--|----------------------|---|---|
| WAC 480-120-051 Availability of service - Application for and installation of service. | | | |
| General comment. | Public Counsel | All telecommunication companies should be required to provide written confirmation of a service agreement's key contractual terms. At the customer's election that information could be supplied electronically. Customers should be permitted to cancel service without charge if the service delivered do not match what was promised. This will foster increased competition as additional telecommunications companies begin to compete in Washington to provide local service. PC supports the uniform establishment of specific scheduling obligations with customer compensation for failure by a company to meet its commitments (whether they be scheduled appointments, level of service, or a lack of any service at all). When a company is unable to provide a timely hook-up, temporary cellular service should be provided free of charge or the customer should receive a significant account credit. PC recognizes the possibility that overly costly service quality guarantees could have a negative competitive impact on the decisions of companies considering entering a local market as a CLEC. | Staff will discuss this at the 4/18 stakeholder workshop. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-051 Availability of service - Application for and installation of service. | | | |
| Section (3) Section (5) Each local exchange company must complete orders for local service access lines as follows: (a) Ninety-five percent of all orders for installation of up to five exchange access lines in any exchange must be completed within five business days of the application when all tariff or price list requirements have been met by the applicant for service or customer. | ATT/MCI NEXTLINK | CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors. CLECs cannot complete 95% of access line orders within five business days when using unbundled network elements if the ILECs do not provision those UNEs in substantially less than five business days. Retail service quality standards are subject to the same concerns that CLEC compliance will depend in large measure on how the ILEC provisions network facilities to competitors. CLEC's cannot satisfy many of these standards if the ILECs do not meet or exceed these standards with respect to the facilities they provide to competitors. | Staff disagrees. This issue has been raised in other rulemakings and the Commission has determined that CLECs must be responsible to their customers. This issue should be raised in the carrier to carrier rulemaking. |
| | U S WEST | Clarifying language is necessary with regard to applications for service. Should apply to applications for "primary exchange access" service. Primary service should be one residence or first two business lines only. Delete (5)(a-d) in their entirety. Competition will drive timely and efficient completion of installation of service orders. Any service measurement, whether on an average due date basis or on a percentage basis, should not apply in today's market. | Staff disagrees. The Commission does not believe at this time that effective competition exists in Washington. |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
|--|---------------------------------|---|--|
| WAC 480-120-051 Availability of service - Application for and installation of service. | | | |
| Section (4) When installation of new service orders requires on-premise access by the company, the appointments must specify the time of day of the on-premise installation within a four-hour period. (5) Each local exchange company must complete orders for local service access lines as follows: (a) Ninety-five percent of all orders for installation of up to five exchange access lines in any exchange must be completed within five business days of the application when all tariff or price list requirements have been met by the applicant for service or customer. (c) One hundred percent of all orders for installation of exchange access lines in any exchange must be completed within one hundred eighty days of the application when all tariff or price list requirements have been met by the applicant for service. (d) The five-, ninety-, and one hundred eighty-day timelines do not apply when a later installation date is requested by the applicant for service, when customer-provided special equipment is involved, or for access lines in excess of the first five lines installed pursuant to the customer service order. | U S WEST Public Counsel Sprint | New service installation order practices, like the provision of customer information, should be left to the discretion of company management in a competitive market. Customers will not choose companies that fail to keep appointments. Use of an "average due date interval" provides a better indication of performance on average for all customers and allows the carrier to identify more readily changes in service delivery. Delete requirement for customer "appointments." Is inconsistent with revised - 535 which focuses on commitment as a measure of performance. PC supports this proposed section. There seem to be no exceptions contemplated in (5), other than those set forth in 5(d). There are sometimes easement or right-of-way problems that can delay a service installation longer than six months. Obtaining permits from some agencies can be a lengthy process. Clarify on what is included in "exchange access lines." | Staff disagrees. The Commission does not believe at this time that effective competition exists in Washington. Staff disagrees. Would not allow to identify the customer who may be entitled to credits under the service quality guarantee. Staff agrees. Will clarify language in 535(3)(a), remove appointment and replace it with commitment. Staff believes if such exceptions were to occur a company can petition the Commission for waiver of the rule. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-076 Underground. | | | |
| General comment. | GTE | GTE did not recommend deletion of this rule in its June Comments. GTE believes that this rule remains appropriate. No reason for the deletion is stated in the discussion draft. This issue of undergrounding of utility facilities is important and expensive and should be the subject of a rule that allows carriers to define the terms of undergrounding. | Staff disagrees. Staff would like to discuss suggested changes at the 4/18 stakeholder workshop. |
| | U S WEST | We commend the staff for its work in deleting this rule - and rules that are no longer necessary in today's environment. | |
| WAC 480-120-091 Farmer lines | | | |
| No comments received. | | | |
| WAC 480-120-096 Grounded circuits | | | |
| No comments received. | | | |

| WAC/Issue | Interested Person | Comment | Staff Response |
|-------------------------|----------------------|--|--|
| WAC 480-120-126 Safety. | | | |
| General comment. | GTE U S WEST | Department of Labor and Industries already regulates the telecommunications industry in this area, like other Washington industries. Consistent with Standard 5 of the Governor's Executive Order 97-02, this Commission should not maintain rules where similar regulatory requirements have been promulgated by other agencies. Rule should be deleted from this chapter, as the requirements of this rule are governed by L&I. | Staff disagrees. Staff does not believe that the L&I regulations provide the information required by the proposed rule language. Staff will discuss this further at the 4/18 stakeholder workshop. |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-131 Reports of accidents. | | | |
| General comment. | GTE | Department of Labor and Industries already regulates the telecommunications industry in this area, like other Washington industries. Consistent with Standard 5 of the Governor's Executive Order 97-02, this Commission should not maintain rules where similar regulatory requirements have been promulgated by other agencies. | Staff disagrees. Staff does not believe that the L&I regulations provide the information required by the proposed rule language. Staff will discuss this further at the 4/18 stakeholder |
| Section (g) Where any necessary medical treatment was provided. | Sprint | Outage reporting is addressed in 520, there is no need for a requirement here. "Where any necessary medical treatment was provided" seems to be broader than "accident that results in death or serious injury" referenced in the first paragraph. This rule is typically waived for competitive providers and should apply to utilities rather than all companies. | workshop. |
| | U S WEST | Rule should be deleted from this chapter, as the requirements of this rule are governed by L&I. | |
| | WITA | WITA comments to be submitted. | |

| Staff Response | Comment | Interested Person | WAC/Issue |
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| | | | WAC 480-120-151 Telecommunications companies' use of customer proprietary network information (CPNI). |
| a topic level Since it is egulate state it by the ive Order h might e., companies | Rule deals with customer proprietary network information. These rules deal with a topic extensively regulated at the federal level pursuant to 47 U.S.C. § 222(f)((1). Since it is clear that the FCC will extensively regulate CPNI, it is inappropriate to maintain state rules that fail to pass the test set out by the standards of the Governor's Executive Order 97-02. A short and simple approach might be to cross-reference federal law (i.e., WAC 480-120-136 which requires companies to adhere to the FCC's record retention requirements). | GTE | General comment. |
| aking FCC will Emove Elevel. If disclaimer zed by d to d promote | Wait to implement these rules as edited until the FCC completes its CPNI rulemaking process. It is highly unlikely that the FCC will complete its rulemaking soon and remove the need for these rules at the state level. If these rules are adopted, include a disclaimer allowing use of CPNI where authorized by the FCC, Congress or state law and to prevent fraud and abuse. This would promote consistency and coordination of the law. | U S WEST | |
| echen echen | be to cross-reference federal law (WAC 480-120-136 which requires to adhere to the FCC's record reterequirements). Wait to implement these rules as exthe FCC completes its CPNI rulem process. It is highly unlikely that the complete its rulemaking soon and the need for these rules at the state these rules are adopted, include a allowing use of CPNI where authouthe FCC, Congress or state law are prevent fraud and abuse. This would be a subject to the feature of the federal law (which is the federal law) in the federal law (which is the federal law). | U S WEST | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI). | | | |
| General comment. | GTE | Rule deals with customer proprietary network information. These rules deal with a topic extensively regulated at the federal level pursuant to 47 U.S.C. § 222(f)((1). Since it is clear that the FCC will extensively regulate CPNI, it is inappropriate to maintain state rules that fail to pass the test set out by the standards of the Governor's Executive Order 97-02. A short and simple approach might be to cross-reference federal law (i.e., WAC 480-120-136 which requires companies to adhere to the FCC's record retention requirements). | |
| | U S WEST | Wait to implement these rules as edited until the FCC completes its CPNI rulemaking process. It is highly unlikely that the FCC will complete its rulemaking soon and remove the need for these rules at the state level. If these rules are adopted, include a disclaimer allowing use of CPNI where authorized by the FCC, Congress or state law and to prevent fraud and abuse. This would promote consistency and coordination of the law. | |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
|---|----------------------|---|----------------|
| WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI). | | | |
| General comment. | GTE U S WEST | Rule deals with customer proprietary network information. These rules deal with a topic extensively regulated at the federal level pursuant to 47 U.S.C. § 222(f)((1). Since it is clear that the FCC will extensively regulate CPNI, it is inappropriate to maintain state rules that fail to pass the test set out by the standards of the Governor's Executive Order 97-02. A short and simple approach might be to cross-reference federal law (i.e., WAC 480-120-136 which requires companies to adhere to the FCC's record retention requirements). | |
| | | the FCC completes its CPNI rulemaking process. It is highly unlikely that the FCC will complete its rulemaking soon and remove the need for these rules at the state level. If these rules are adopted, include a disclaimer allowing use of CPNI where authorized by the FCC, Congress or state law and to prevent fraud and abuse. This would promote consistency and coordination of the law. | |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
|--|----------------------|--|--|
| WAC 480-120-340 Enhanced 911 (E911) Obligations of local exchange companies. | | | |
| General comment. | GTE U S WEST | This rule should be deleted because the requirements have been met. Strike this section in its entirety. The requirements have been met. Rule is no longer necessary. | Staff disagrees. This rule is necessary for new CLECs who need to know the requirements. |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-350 Reverse search by E911 PSAP of ALI/DMS data baseWhen permitted. | | | |
| Section (2) The administrator of the database must create a record at the time of the reverse search. The record must be created: (a) by the local exchange company (LEC) in the data base that is searched; and (b) by the PSAP making the search. (3) A record may be created in a PSAP data base, if the collection and storage of the data are reasonably secure from alteration or deletion. The record must contain the following information: (a) the date and time, (b) the number searched, (c) the PSAP, and (d) if feasible, the PSAP agent position from which the reverse search is initiated. (4) A reverse search can be made only if the PSAP makes a record of the search and includes the circumstances requiring the search. | GTE U S WEST WITA | Delete (2) and (4) because only PSAPs are required to keep a record of reverse searches. Only PSAPs are required to keep a record of reverse searches. Delete (2) and (3). WITA comments to be submitted. | Staff agrees that this rule needs additional drafting. (3) will be deleted as well as (4). As for (2), staff will discuss this further at the 4/18 stakeholder workshop. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-500 Service quality - General requirements. | | | |
| General comment. | ATT/MCI | CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors. | Staff disagrees. This issue has been raised in other rulemakings and the Commission has determined that |
| | NEXTLINK | Retail service quality standards are subject to the same concerns that CLEC compliance will depend in large measure on how the ILEC provisions network facilities to competitors. CLECs cannot satisfy many of these standards if the ILECs do not meet or exceed these standards with respect to the facilities they provide to competitors. | CLECs must be responsible to their customers. This issue should be raised in the carrier to carrier rulemaking. |
| | WITA | WITA comments to be submitted. | |
| WAC 480-120-500 Service quality - General requirements. | | | |
| Section (1) Companies must design, construct, maintain, and operate their facilities to ensure continuity of service, the availability of comparable services, and uniformity in the quality of service furnished. | U S WEST | (1) would essentially mandate complete redundancy of the network. Companies will design, construct, maintain and operate facilities to ensure reasonable continuity of service and uniformity in the quality of service. Should the Commission continue to pursue this proposal, an SBEIS must be prepared. | Staff disagrees. Rule is the same as current rule. No new requirements have been added. US WEST has not explained 'redundancy.' |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-500 Service quality - General requirements. | | | |
| Original Rule language: Section (2) Telecommunications companies shall employ prudent management and engineering practices, including reasonable procedures for forecasting demand for service, to ensure that sufficient facilities and an adequate operating force are available to meet reasonable demands under normal operations. | Public Counsel | PC objects to removing the language of existing (2). Companies should be required to continue to engage in prudent management and engineering practices and not merely engage in forecasting activities. It is axiomatic that if forecasting were sufficient to obviate service quality problems, such issues would not now exist in Washington. Suggested language Retain the redacted language of (2). | Staff disagrees. Staff would like to discuss suggested changes at the 4/18 stakeholder workshop. Staff believes that PC's concern is addressed in section (1). |
| WAC 480-120-500 Service quality - General requirements. | | | |
| Original Rule language: Section (3) These rules are not intended to establish a standard of care owed by a telecommunications company to any consumer(s) or subscriber(s). | Sprint | What is the reference point for "comparable?" If the intention is that all services offered must be offered ubiquitously with the same terms and conditions throughout the company's territory, this would be a substantial barrier both to entry and to the offering of new services. Propose not only retaining (3), but moving it to WAC 480-120-011 as indicated earlier in these comments. | Staff disagrees. The reference point of 'comparable' is from the Telecommunications Act. |
| | U S WEST | We proposed moving this section concerning liability to 480-120-011. This statement applies to all rules in the Chapter and should be stated up front rather than repeated throughout to avoid duplication and for clarity. | Staff disagrees. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-505 Operator services. | | | |
| General comment. | WITA | WITA comments to be submitted. | |
| WAC 480-120-510 Business offices. | | | |
| General comment. | U S WEST | Rule should be deleted in its entirety. It is not necessary to provide a public location for bill payments. In a competitive environment, business office access does not require a percentage of answered calls measurement. Companies should not be required in a competitive marketplace to establish a payment agency in any exchange. Bill payment by mail is not burdensome and is typical for most companies. Alternative methods now exist for customers needing to make an expedited payment. This requirement may have been necessary in the past, it is no longer necessary in today's advanced marketplace. | Staff believes that payment agencies are an essential aspect of provision of telco service, both for regular bill payment for low income customers who do not have checking accounts or credit cards in order to take advantage of "alternative" payment methods and urgent payment, particularly with companies being centralized. Staff is not willing to eliminate requirement. |
| | | Customers care less about how fast their calls are answered and more about the quality of service they receive. | Staff believes customers do care how fast their calls are answered. |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
|--|----------------------|---|----------------|
| WAC 480-120-510 Business offices. | | | |
| Section (2) Each company must ensure that: (a) A minimum of ninety-eight percent of all call attempts to the company's business office are answered within twenty seconds either by live company representatives or an automated call system: and (b) Ninety-nine percent of calls that are completed to an automated system and where the customer indicates that they wish to speak to a live representative must be routed to a live representative within one hundred twenty seconds. (c) For purposes of this section, station busies and unanswered calls will not be counted as completed calls. | Public Counsel | PC supports the new provisions of (2) setting benchmarks for telephone answering performance, given the reliance of providers on the telephone as the primary means of customer contact. WA customers' needs for assistance, including telephone inquiries, are best met by company personnel in WA. (2) does not indicate whether the calls to a company's business office should be answered by WA located service personnel or at a national service office. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-510 Business offices. | | | |
| Section (3) Each local exchange company must establish and maintain payment agencies for receipt of cash and urgent payments. At a minimum, payment | Sprint | This rule is unduly burdensome, extremely costly, and outdated in today's business environment. | This requirement is in the current rule. |
| agencies required by this rule must clearly post and maintain regular business hours. (a) Exchanges serving over seventy-five thousand access lines must have a | Public Counsel | It appears that (3)(a) and (b) create a risk that customers who are served by exchanges with between 25,000 and 75,000 access lines would have proportionally fewer payment agencies in their service area than | This requirement is in the current rule. |
| minimum of one payment agency within the exchange for every fifty thousand access lines. (b) Exchanges serving twenty-five | | customers served by exchanges with more than 75,000 access lines. This could place rural or semi-rural customers in a further disadvantaged position. Suggested language | |
| thousand to seventy-five thousand access lines must have a minimum of one payment agent within the exchange. (c) Local exchange companies serving less than twenty-five thousand access lines must have a minimum of one | | Insert in (1) after the word "centers" the phrase "located in Washington and" | (1) of this rule relates to business offices. Staff does not believe that they must be located in WA. Further discussion at the 4/18 |
| payment agency. (d) A business office of the company | | Strike the last sentence of (3) and (a) through (d) and replace it with the following: "Every | stakeholder workshop. |
| that accepts customer payments can substitute for a payment agency required by this section and be supported by the same personnel as the business office or customer service center. | | exchange must have at least one payment agency located within the exchange. Every exchange with more than 25, 000 access lines shall have an additional payment agency located within the exchange for every additional 25,000 access lines or a fraction thereof (example – 25,000 lines = 1 agency, 55,000 lines = 3 agencies, 75,000 lines = 3 agencies, etc.). Payment agencies must be geographically distributed proportionally | (3) of this rule relates to payment agencies. Further discussion at the 4/18 stakeholder workshop. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-515 Network performance standards. | | | |
| General comment. | ATT/MCI | Service quality issues have long been a concern for customers of U S WEST. U S WEST maintains that certain performance measures are not enforceable and argues that its tariffs permit this abysmal performance and there is nothing that this Commission can or should do. The Commission has consistently refused to impose carrier-to-carrier service quality guarantees in interconnection agreements and has yet to promulgate carrier-to-carrier service quality rules. These revisions need to clarify the rules that should only apply to the incumbents and not to competitive companies. CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors. | Staff disagrees. This rule does apply to CLECs. This issue has been raised in other rulemakings and the Commission has determined that CLECs must be responsible to their customers. This issue should be raised in the carrier to carrier rulemaking. |
| | NEXTLINK | Retail service quality standards are subject to the same concerns that CLEC compliance will depend in large measure on how the ILEC provisions network facilities to competitors. CLEC's cannot satisfy many of these standards if the ILECs do not meet or exceed these standards with respect to the facilities they provide to competitors. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-515 Network performance standards. | | | |
| Section (3) Outside plant. Each local exchange company must design, construct and maintain customer loops to the customer network interface or demarcation point as follows: (a) Voice grade, local exchange service. (i) Transmission loss (TL) from the central office to the customer network interface must not exceed - 8.5 dB at 1004 Hz; (ii) The minimum line current, measured across an assumed station resistance of 430 ohms, must be 20 milliamperes DC; (iii) Total external loop resistance, excluding customer premises equipment (CPE), must not exceed the loop resistance requirement of the exchange switch. | U S WEST | Delete the reference that network performance standards apply to each central office individually. One cable cut could result in a small central office being out of compliance. Delete (3)(a)(iii). If the requirements of (3)(a)(i) and (ii) are met, (iii) is automatically satisfied. WITA comments to be submitted. | Staff believes that network performance standards should apply at the central office level. |

| WAC/Issue | Interested Person | Comment | Staff Response |
|--|----------------------|---|--|
| WAC 480-120-515 Network performance standards. | | | |
| Section (5) Each local exchange company must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions, disasters or emergencies can be redirected or call-forwarded to an alternate repair or maintenance service center location of the local exchange company. | Sprint | This section mandates network redundancy without regard to cost. Language previously contained in 520 addressed this requirement but conditioned it on "where economically and technically feasible." If the Commission is determined to modify this rule, then Sprint recommends that a separate rulemaking be opened. Network performance standards are of a highly technical nature. Even slight wording changes may have a profound effect on network design and company cost structures. This is quite possibly a very major change that should be debated by subject matter experts so that the Commission has all the facts it needs to make an informed decision. | Staff disagrees. Staff would like to discuss suggested changes at the 4/18 stakeholder workshop. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-520 Major outages. | | | |
| General comment. | GTE | The FCC already has reporting requirements for major outages. See 47 C.F.R. § 63.100. Adopting GTE's approach would minimize regulatory burdens for many carriers which are national in scope, allowing for the development of consistent business practices governed by federal, and derivatively by state law. | Staff disagrees. The rule has been drafted to address those outages that the state requires reported. |
| | Sprint | Proposed revision eliminate the definition of "major outage." Without the definition, the rule is less clear. | |
| | U S WEST | Delete this rule entirely. The FCC established procedures in 47-6FR section 63.1000. | |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
|--|----------------------|---|--|
| WAC 480-120-520 Major outages. | | | |
| Section (6)(a) When a company intends to interrupt service to an extent that it is a major outage, customers who are affected must be notified not less than seven days in advance unless circumstances do not permit. When circumstances do not permit notification seven days in advance, the company must give notification as soon as it plans to interrupt service. | GTE | Several of the new rules proposed by the Commission duplicate existing rules and appear out of place. For instance, WAC 480-120-X16 duplicates existing WAC 480-120-520(6)(a) and should be eliminated. | Staff disagrees. Staff would like to discuss suggested changes at the 4/18 stakeholder workshop. |
| Original Rule language: Section (8) All reported interruptions of telecommunications service shall be restored within two working days, excluding Sundays and holidays, except interruptions caused by emergency situations, unavoidable catastrophes, and force majeure. | Public Counsel | PC is concerned with the impact of deleting existing (8) which requires restoration of all reported interruptions within 48 hours. Unless the intent, under the new language in (4) (b), is to shorten the restoration period for all interruptions, not just major outages, to 12 hours. Strongly oppose removal of (8). | This is addressed in the new proposed rule 480-120-X16. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-525 Network maintenance. | | | |
| General comment. | ATT/MCI | CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors. | The concern may be better addressed in the carrier to carrier rulemaking. |
| | NEXTLINK | Retail service quality standards are subject to the same concerns that CLEC compliance will depend in large measure on how the ILEC provisions network facilities to competitors. CLECs cannot satisfy many of these standards if the ILECs do not meet or exceed these standards with respect to the facilities they provide to competitors. | |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-525 Network maintenance. | | | |
| Section (1) Except during periods of emergency operation, each local exchange company must answer eighty percent of repair calls within thirty seconds. (3) Each company must ensure that: (a) a minimum of ninety-eight | Sprint | This revision is more prescriptive than is the past with no explanation given for how such changes further the Governor's directive. It contains more than one standard. (1) and (3)(a). | Staff is proposing the language in rule 525 to be consistent with rule 510. |
| percent of all call attempts to the company's repair office are answered within twenty seconds either by live company representatives or an automated call system | | The wording "remote customer company site" in (1)(h) is unclear. | Staff agrees. Staff will remove the word "customer" from the proposed language. |
| (b) ninety-nine percent of calls that are answered by an automated system and where the customer indicates that they wish to speak to a live representative must be routed to a live representative within one hundred twenty seconds. (c) for purposes of this section, station busies and unanswered calls will not be counted as completed calls. Section (1)(h) Sufficient portable power systems must be available to support up to the largest remote customer company site. | U S WEST | Delete words "by exchange" in (1)(e). The current standard is set on a statewide basis not on an exchange specific basis. The standard should not be set at an exchange level. Delete (3)(a-c). In a competitive environment, repair office access does not require a percentage of answered calls measurement. Customers care less about how fast their calls are answered and more about the quality of service they receive. | Rule is drafted to address this on an exchange basis. Staff believes this to be the standard. Staff is proposing the language in rule 525 to be consistent with rule 510. |
| WAC 480-120-530 Emergency services. | | , | |
| No comments received. | | | |

| WAC/Issue | Interested Person | Comment | Staff Response |
|--|----------------------|--|--|
| WAC 480-120-535 Service quality performance reports. | | | |
| General comment. | Public Counsel | Add a new subparagraph (g) to require large LECs to report telephone answering performance under proposed 480-120-510(2). | Staff will discuss this further at the 4/18 stakeholder workshop |
| | Sprint | The new reporting requirements proposed are excessively burdensome, and will be costly to implement. Sprint does not currently have a program that reports held order data for all service orders, both primary and secondary, held more than five days or more than ninety days, or a program that reports the blocking information outlined in the new language of this rule. Sprint should not be required to report on the blockage in networks not our own. | |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-535 Service quality performance reports. | | | |
| Section (3) Local exchange companies with fifty thousand or more access lines must report monthly the information required by (a) through (e) below. (a) Installation appointments met. A report showing the percentage of appointments for the connection of service met on the commitment date. The actual date on which installation was completed will be compared to the applicable commitment date to determine the number of appointments met. (b) Held orders. A report consisting of the number of unfilled orders for exchange access service and including the total number of unfilled orders, the total number of lines in the unfilled orders, and the number of total orders for each central office. The report must identify the number of orders and lines held more than five days and the number of orders and lines held more than ninety days. (c) Major Outages. A report consisting of a description of each major outage and including a statement of the time, cause, extent, and duration of the interruption and, when applicable, a description of preventive actions to be | USWEST | (3)(a), consistent with proposed changes in 480-120-051, measure of performance, should be based on commitments met, not appointments. | Staff agrees. Will clarify language in 535(3)(a), remove appointment and replace it with commitment. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-535 Service quality performance reports. | | | |
| Section (d) Trouble reports. A report consisting of the number of customers' access lines by exchange experiencing a malfunction in or loss of service. Trouble reports (including repeated reports) must be calculated as a ratio per one hundred lines in service. The report must include an explanation of causes for each exchange that exceeds the service quality standard established in 480-120-525(e). Trouble reports caused by customer provided equipment or inside wiring are not included in this report. (e) Interoffice, intercompany and interexchange trunk blocking. A report consisting of a list of interoffice, intercompany and interexchange trunk groups that exceed the performance standards set forth in 480-120-515(2)(a) | U S WEST | Delete the reporting requirement to include an explanation of trouble in each exchange that exceeds the state standard. Clarify this section as to the types of trouble excluded from monthly trouble report calculations. Delete (3)(e). | Staff will discuss this further - and clarify the proposed requirement at the 4/18 stakeholder workshop. Staff will discuss this further - and clarify the proposed requirement at the 4/18 stakeholder workshop. |
| and (b). For each trunk group exceeding the standard, the following information must be provided: | | | |
| (i) The peak percent blocking level experienced during the preceding month; (ii) The number of trunks in the trunk | | | |
| group; and (iii) The busy hour when peak blockage occurs. | | | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-X05 Existing facilities - Responsibility for maintenance and reinforcement of existing telecommunications facilities. | | | |
| No comments received. | | | |
| WAC 480-120-X05.5 Existing facilities - Reinforcement responsibilities. | | | |
| General comment. | GTE | The obligation to serve and other issues raised by WAC 480-120-X05.5 should be dealt with dockets listed. Rule should not be considered, if at all, until Dockets UT-991930, UT-991931, UT-993000, UT-990301 are concluded. | Staff disagrees with GTE's comment this is not addressing obligation to serve. This rule addresses a company's responsibility to provide facilities where it already serves. |
| Section (1) Companies are responsible for all work, materials, and costs associated with reinforcing facilities up to an applicant's for service or customer's property line where service has previously been provided by the company. | Sprint | The first sentence would be much clearer if it read, "Companies are responsible for all work, materials, and costs associated with reinforcing facilities up to the applicant's facilities for service" There should be a new subsection, "(3) Subsection (2) above shall not be construed to limit any remedy otherwise available." | Staff disagrees. This proposed language change would change current responsibilities under existing tariffs. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-X06 Unserved areas. | | | |
| General comment. | GTE | The obligation to serve and other issues raised by WAC 480-120-X06 should be dealt with dockets listed. Rule should not be considered, if at all, until Dockets UT-991930, UT-991931, UT-993000, UT-990301 are concluded. | Staff will discuss this at the 4/18 stakeholder workshop. |
| | Sprint | If this rule is to be proposed at all, it should be moved to a separate rulemaking - or possibly to the line extension docket recently opened. It is far too complex an issue to be addressed as part of this rulemaking. | |
| | U S WEST | Strike this proposed new rule as it is unnecessary. This rule would limit a company's ability to disconnect service in the face of a delinquent balance remaining for a customer. This would be a new and inappropriate requirement and may require an SBEIS. Companies should not have to reestablish service if a delinquent balance is owed. This rule is over-burdensome and unnecessary in today's environment. | |
| WAC 480-120-X06 Unserved areas. | | | |
| Section (2) Any community or portion thereof may request, in the form of a letter or petition, that the Commission designate a local exchange service company to provide local exchange service. | Public Counsel | Clarify on the use of the term "portion" in (2). It is unclear whether, for example, a request from a single customer would be sufficient to trigger the rule. | Staff will discuss this at the 4/18 stakeholder workshop. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-X08 Service Quality Guarantees. | | | |
| General comment. | ATT/MCI | CLECs cannot satisfy many of these standards if the incumbents do not meet or exceed these standards for the facilities provided to competitors. | Customers expect CLECs to provide the same level of service as ILECs (or better) and want some |
| | com serv Appl incre oppo cust caus requ serv | This rule need only apply to ILECs because competitors must meet or exceed whatever service quality the incumbents provide. Application of rule to CLECs would only increase ILECs' anticompetitive opportunities, because not only will customers blame the CLECs for the delay caused by an ILEC, but CLECs would be required to provide bill credits or substitute services to customers without having any recourse against the ILEC causing the delay. | guarantees. CLECs should have recourse against ILECs when ILEC behavior results in CLEC liability. This proposed new rule extends uniform guarantees to all customers in the state. |
| | Public Counsel | PC supports the inclusion of service quality guarantees in the rules. Under current rules, widespread substandard service does not in general result in specific remedies or compensation to individual customers for problems (unless pursuant to Commission order). This approach both provides such a remedy and provides an additional incentive to the company to adhere to requirements. | It codifies into rule the existing service guarantees in US WEST tariff. |
| | WITA | WITA comments to be submitted. | |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-X08 Service Quality Guarantees. | | | |
| Section (3)(b) An appointment guarantee requires the customer to be present at the time of the appointment. An appointment is considered kept if the company arrives at the appointed time but cannot complete the order until a later date or notifies the customer within 24 hours of making the appointment that facilities are unavailable and a new appointment must be made. | U S WEST | A standard of two business days in (3)(b) is a more reasonable approach to appointment guarantees. The revisions to (3) make this rule less restrictive for companies. | Staff agrees and will make the change. Customer presence is not mandatory for all guaranteed appointments. Propose language will be revised to reflect this. |
| Section (4) Service guarantees do not apply when the customer reschedules the appointment or is not available at the appointed time, or when the company is unable to meet the commitment due to significant adverse events such as natural disasters or other events beyond the control of the company. | NEXTLINK | (4) could be construed to exonerate the CLEC for the expenses the CLEC incurs to comply with the rule if the ILEC caused the delay or missed appointment or commitment, because the ILECs's actions are "beyond the control of the company." The end-user customer would be deprived of bill credits or substitute service to which it would otherwise be entitled. | Staff does not expect this situation to arise given the carrier to carrier rulemaking. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-X08 Service Quality Guarantees. | | | |
| General comment. | TRA | This requirement holds CLECs who rely on the ILECs or others for provisioning unilaterally responsible for the actions of underlying carriers over which these CLECs exert little, if any, control. It is inequitable to hold service providers who do not maintain full control of the provisioning process liable for penalties arising from a failure to meet wholesale service obligations, including provisioning timeliness, through no fault of their own. TRA does not agree that this issue is addressed through the relationship between the underlying carrier and retail service provider, particularly with the advent of financial penalties looming in X08. Despite any potential interconnection agreement provisions regarding service quality that might exist, CLECs could find themselves subject to Commission penalties on the one hand, and an underlying carrier who caused provisioning delays yet refused to indemnify the retail CLEC, on the other. A retail carrier who is at the complete mercy of an underlying carrier for provisioning should not be penalized for the underlying carrier's non-performance nor expected to expand resources to collect penalties from reluctant underlying carriers if penalized. Full responsibility for provisioning timeliness should be borne by the entity who ultimately controls the network and provisioning process. | The concern may be better addressed in the carrier to carrier rulemaking. |

| WAC/Issue | Interested Person | Comment | Staff Response |
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| WAC 480-120-X16 Service interruptions. | | | |
| General comment. | GTE | This rule should not be adopted. There is no current, demonstrable need for this rule. | |
| WAC 480-120-X17 Emergency operation. | | | |
| General comment. | GTE | This rule should not be adopted. There is no current, demonstrable need for this rule. | Staff disagrees. Staff believes there is a need for the proposed rule and will discuss these reasons at the 4/18 stakeholder workshop. |